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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/776,786 | 02/11/2004 | Takao Yamamoto | 14470.23US01 | 3247 |
| 23552 | 7590 | 03/20/2006 | EXAMINER | |
| MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903 | | | ILAN, RUTH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3616 | |
| DATE MAILED: 03/20/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|-----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/776,786 | YAMAMOTO, TAKAO | |
| | Examiner | Art Unit | |
| | Ruth Ilan | 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/29/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the combination of the socket mounted to a stay suspended from the rear carrier and mounted forwardly of the rear end of the rear carrier, as claimed in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The view shown in Figure 5 does not appear to include the limitation that it is forwardly of the rear end of the rear carrier because the stay is mounted to the rear end of the rear carrier.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Abstract is objected to because it includes the term "means" in line 1.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5 and 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 5, it is unclear if the socket must be forward of the rear end of the rear carrier, since this limitation is directed to an embodiment that does not show this, nor was it disclosed.

7. Regarding claim 7, the word "means" is preceded by the word(s) "a" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1, 2, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuura et al., (US 2001/0047896.) Matsuura et al. teaches an all-terrain vehicle including an accessory socket (92) with a protective cover (112) and means (114) for supporting the accessory socket from the vehicle. Matsuura et al. further teaches a rear cowl (44) that has a recess (see Figure 2, indented portions of 44) and a rear carrier (46.) Matsuura et al. further teaches an embodiment in which the accessory socket is mounted in a recess formed in the rear cowl (see paragraph [00043], line 7.) While Matsuura et al. does not shown the specific location of the rear mounting of the socket, Matsuura et al. still inherently discloses that the accessory socket is provided forwardly of the rear end of the rear carrier and downwardly of the rear carrier, because as seen in Figures 1 and 2, because of the location of the rear cowl (44) of Matsuura et al. in relation to the rear carrier (46), anywhere on the rear fender is forward of the rearward end of the rear carrier, and downward of the rear carrier.

Claim Rejections - 35 USC § 103

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al. (US 2001/0047896.) Matsuura et al. is discussed above and does not specifically show left and right rear combination lamps, with the socket provided between them. The

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Examiner takes Official Notice that it is known to provide left and right rear combination lamps on a vehicle. These lamps are useful for indicating braking and turning, and are a well known safety feature in the vehicle art. It would have been obvious to one having ordinary skill in the art at the time of the invention to include left and right rear combination lamps on the vehicle of Matsuura et al. in order to provide indication of braking and turning. Regarding the limitation of the accessory socket located between the lamps, the view shown in Figure 2 shows the recessed portion of the rear cowl in the middle of the cowl, and as such, the accessory socket, mounted in the recessed portion of the rear, as taught by Matsuura et al., would be between the lamps.

Claim Rejections - 35 USC § 103

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al. (US 2001/0047896) in view of Putnam (US 5,288,094.) Matsuura et al. fails to teach a stay suspended from the rear carrier that holds the socket. Putnam teaches a stay for mounting a vehicle accessory socket that provides a method of mounting an accessory socket that is cheap, easy to manufacture, and durable (see col. 2, lines 1-10.) It would have been obvious to one having ordinary skill in the art at the time of the invention to mount the rear socket of Matsuura et al, by a suspended stay from the rear carrier, in view of the teaching of Putnam, in order to provide a cheap and easy and durable means for mounting the socket.

Conclusion

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12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Belinky et al. and Davis teach mounting systems of interest.

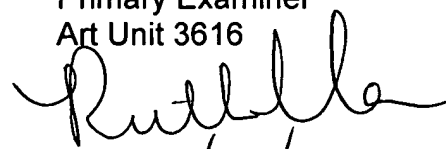
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673.

The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RI
3/14/06

Ruth Ilan
Primary Examiner
Art Unit 3616

3/14/06